

February 16, 2009

To the Senate Natural Resources Committee.

Dear Senator Gebhardt and Senate Natural Resource Committee members:

I am Aart Dolman and reside in Great Falls, MT., and I wish to be on record that I oppose SB 440.

Living in Montana for decades, I have come to appreciate the quality of clean air in our state and find it difficult to believe that such a treasure is at risk.

Senate Bill 440 is attempting to remove the final restrictions pertaining to the air quality permitting process. It also denies a very fundamental process held important by many Montana citizens: it abolishes public participation in the decision making process of governmental agencies.

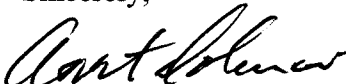
The Constitution is very clear that Montana citizens have not only a right to a clean and healthful environment but also to expect governmental agencies to afford such reasonable opportunity for citizen to participate in the operation of agencies prior to the final decision as may be provided by law.

In addition, the US Clean Air Act (<http://www.epa.gov/air/caa/>) and its amendments over the years clearly require that Montana enforce the air quality laws and rules. State programs must complement federal regulations, and this gives the EPA important enforcement powers. In general, when EPA finds that a violation has occurred, the agency can issue an order requiring the violator to comply, issue an administrative penalty order, or it can bring a civil judicial action suing the violator in court.

The intent of SB 440 is to exempt all air quality permits in violation of federal law, and this action will have two results: first, the EPA will not allow industries to pollute the air without restrictions and a public process. Second, Montana citizens have no other recourse but to seek redress of their grievances in the legal system.

In the latter case, the result will be that court system will write the laws of our state and that the legislature no longer represents the People of Montana. And this causes even longer delays in industrial development than the current permitting process.

Sincerely,



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